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 Benchmark Capital Management Co. LLC

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

NEXTDOOR.COM, INC., a Delaware  
 corporation,

Plaintiff,

vs.

RAJ ABHYANKER, an individual,

Defendant.

CASE NO. 3:12-cv-05667-EMC

**BENCHMARK CAPITAL PARTNERS, L.P'S  
 AND BENCHMARK CAPITAL  
 MANAGEMENT CO. LLC'S REQUEST FOR  
 JUDICIAL NOTICE IN SUPPORT OF  
 MOTION TO DISMISS SECOND AMENDED  
 COUNTERCLAIM**

RAJ ABHYANKER, an individual,

Counterclaimant,

vs.

NEXTDOOR.COM, INC., a Delaware  
 corporation; PRAKASH  
 JANAKIRAMAN, an individual;  
 BENCHMARK CAPITAL PARTNERS,  
 L.P.,  
 a Delaware limited partnership;

Judge: Honorable Edward M. Chen

1 BENCHMARK CAPITAL  
2 MANAGEMENT CO. LLC,  
3 a Delaware limited liability company;  
4 SANDEEP SOOD, an individual;  
5 MONSOON COMPANY, an unknown  
6 business entity, and DOES 1-50, inclusive,  
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8 Counterdefendants.  
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Pursuant to Federal Rule of Evidence 201(b)(2), Counterdefendants Benchmark Capital Partners, L.P., and Benchmark Capital Management Co. LLC (collectively, “Benchmark”) respectfully request that the Court take judicial notice of the following documents in support of Benchmark’s Motion to Dismiss the Second Amended Answer and Counterclaim (“SAAC”). The documents are attached to the Declaration of Matthew Rawlinson (“Rawlinson Declaration”) as Exhibits 1 through 6.

- **Exhibit 1** is a “First Amended Complaint” filed by Raj Vasant Abhyanker against Benchmark and others on December 6, 2011, in the Superior Court of the State of California – County of Santa Clara.
- **Exhibit 2** is Benchmark’s “Demurrer To Plaintiff’s First Amended Complaint; And Memorandum Of Points And Authorities In Support Thereof,” filed by Benchmark on January 10, 2012, in the Superior Court of the State of California – County of Santa Clara.
- **Exhibit 3** is a “Request For Dismissal,” filed by Raj V. Abhyanker on February 7, 2012, in the Superior Court of the State of California – County of Santa Clara.
- **Exhibit 4** is the website screenshot of the search result for the domain name “Nextdoor.com,” conducted on January 8, 2014, from the domain registrar networksolutions.com, which is accredited by the Internet Corporation for Assigned Names and Numbers (“ICANN”).
- **Exhibit 5** is the website screenshot of the WHOIS search result for the domain name “Nextdoor.com,” conducted on January 8, 2014, from networksolutions.com.
- **Exhibit 6** consists of the website screenshots of the bidding pages for the domain name “Nextdoor.com,” conducted on January 8, 2014, from the ICANN-accredited domain registrar tierra.net and networksolutions.com.

Under Federal Rule of Evidence 201(b)(2), the Court “may judicial notice a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” In such circumstances, the Court

1 “must take judicial notice if a party requests it and the [C]ourt is supplied with the necessary  
2 information. Fed. R. Civ. P. 201(c)(2).

3 Here, **Exhibits 1–3** to the Rawlinson Declaration are documents that were filed in the  
4 Superior Court of the State of California – County of Santa Clara. Courts routinely take judicial  
5 notice of the contents of such documents because their contents are not subject to reasonable  
6 dispute. *See, e.g., Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir.  
7 2006) (taking judicial notice of court documents and pleadings in related litigation); *Burbank-  
8 Glendale-Pasadena Airport Auth. v. City of Burbank*, 136 F.3d 1360, 1364 (9th Cir. 1998)  
9 (taking judicial notice, in federal action, of pleadings filed in California Superior Court).  
10 Accordingly, the Court should take judicial notice of Exhibits 1–3.

11 **Exhibit 4** to the Rawlinson Declaration is a website snapshot of the search result for the  
12 domain name “Nextdoor.com” from the ICANN-credited registrar networksolution.com.

13 **Exhibit 5** to the Rawlinson Declaration is a website snapshot of the WHOIS search result of the  
14 domain name “Nextdoor.com” from networksolutions.com. **Exhibit 6** consists of website  
15 snapshots of the bidding pages for the domain name “Nextdoor.com” from ICANN-accredited  
16 registrar tierra.net and networksolutions.com. These documents are properly subject to judicial  
17 notice to prove their existence and content because they may be accurately and readily  
18 determined from the ICANN-accredited registrar websites. Fed. R. Evid. 201(b)(2); *see also*  
19 *Coal. for a Sustainable Delta v. John McCamman*, 725 F. Supp. 2d 1162, 1183–84 (E.D. Cal.  
20 2010) (taking judicial notice of a webpage); *Caldwell v. Caldwell*, 420 F. Supp. 2d 1102, 1105  
21 n.3 (N.D. Cal. 2006) (taking judicial notice of two website screenshots); *Baxter v. Intelius, Inc.*,  
22 No. SACV 09-1031, 2010 WL 3791487, at \*1–\*2 (C.D. Cal. Sept. 16, 2010) (taking judicial  
23 notice of a printed screenshot of a webpage).

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1 For the foregoing reasons, Benchmark respectfully requests that the Court take judicial  
2 notice of Exhibits 1-6 to the Rawlinson Declaration when ruling on Benchmark's Motion to  
3 Dismiss.

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5 Dated: January 9, 2014

Respectfully submitted,

6 LATHAM & WATKINS LLP

7  
8 By /s/ Matthew Rawlinson  
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